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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/23/2003

Timothy P. McKee

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8986

45809

7590

12/05/2008

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INTELLECTUAL PROPERTY DEPARTMENT  
2555 GRAND BOULEVARD  
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EXAMINER

PESIN, BORIS M

ART UNIT

PAPER NUMBER

2174

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,885	<b>Applicant(s)</b> MCKEE ET AL.	
	<b>Examiner</b> BORIS PESIN	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 9/23/2008.

Claims 1-44 are pending in this application. Claims 1, 11, 20, 21, 29, 34, and 40 are independent claims. In the amendment filed 9/23/2008, Claims 1, 11, 20, 21, 29, 34, and 40 were amended. This action is made Non-Final because a 101 rejection should have been made in the previous action.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The use of the word "system" does not inherently mean that the claim is directed to a machine. None of the claimed elements of the system are a physical part of the device. Therefore the claim is simply software per-se and does not fall under one of the statutory subject matter categories.

Claims 20-28 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 20-28 are directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program not a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its

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functionality. It is also clearly not directed to a composition of matter. Therefore, it is non-statutory under 35 USC 101.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al. (US 5751287) in view of Straub et al. (US 5905492)

In regards to claim 1, Hahn teaches a computer system for presenting stored data comprising: a data store including a plurality of items (Figure 4), wherein at least a portion of said items include one or more field entries (Figure 4, Elements 460, 480 and 500).

Hahn does not specifically teach an explorer residing as one of said plurality of items in said data store and housing a first set of data and a second set of data, wherein said first set of data defines a query that identifies one or more desired field entries, and wherein said second set of data defines an explorer display schema having one or more visual elements selected for display with items having said one or more desired field entries; and a shell browser configured to access said explorer and to utilize said first set of data to select items having one or more desired field entries from said data store and to utilize said second set of data to display said selected items according to said explorer display schema.

Straub teaches an explorer residing as one of said plurality of items in said data store and housing a first set of data and a second set of data, wherein said first set of data defines a query that identifies one or more desired field entries, and wherein said second set of data defines an explorer display schema having one or more visual elements selected for display with items having said one or more desired field entries (See Column 13 Line 58 – Column 14, Line 61, “template can be associated with each of the folders or folder types”);

and a shell browser configured to access said explorer and to utilize said first set of data to select items having one or more desired field entries from said data store and to utilize said second set of data to display said selected items according to said explorer display schema (See Column 13 Line 58 – Column 14, Line 61, “display representing folder’s contents”) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hahn with the teachings of Straub and

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include a method of changing a layout for a specific folder with the motivation to provide the user with a more appropriate view for each specific folder, instead of one view for all folders.

In regards to claim 2, Hahn teaches a computer system of claim 1, wherein said explorer display schema includes one or more decorative elements presented with said selected items (Figure 10, *the tab layout*).

In regards to claim 3, Hahn teaches a computer system of claim 1, wherein said explorer display schema includes one or more shell view schemas, wherein one of said shell view schemas is utilized to display a subset of said selected items (Figure 10, *the tab layout*).

In regards to claim 4, Hahn teaches a computer system of claim 3, wherein one or more of the shell view schemas includes one or more display aspects appropriate for displaying said subset of selected items to the user (Figure 10, Element 1080).

In regards to claim 5, Hahn teaches a computer system of claim 1, wherein said explorer utilizes a shell display schema associated with a shell browser to display one or more of said selected item (Figure 10, Elements 1080, and 1090).

In regards to claim 6, Hahn teaches a computer system of claim 1, wherein said explorer utilizes one or more item display schemas associated with a shell browser to provide one or more display elements included in the display of one or more selected items (Figure 10, Element 1080).

In regards to claim 7, Hahn teaches a computer system of claim 1, wherein said explorer display schema includes verbs related to said selected items (Figure 7A, Element 780).

In regards to claim 8, Hahn teaches a computer system of claim 7, wherein said verbs are associated with applications capable of performing said verbs with respect to one or more of said selected items (Figure 7A, Element 780).

In regards to claim 9, Hahn teaches a computer system of claim 1, wherein said explorer display schema includes one or more data queries which are associated with the selected items (Figure 20B).

In regards to claim 10, Hahn teaches a computer system of claim 9, wherein said explorer is configured to display results of one or more of said data queries (Figure 20B).

In regards to claim 11, Hahn teaches a computer-implemented method for presenting one or more items in a data store to a user, the method comprising: selecting a desired field entry corresponding to a field entry associated with at least one item in the data store, wherein at least a portion of the items in the data store include one or more field entries (Figure 10, Element 1110); and defining an explorer display schema (Figure 10, *the tab layout*).

Hahn does not specifically teach defining an explorer display schema that includes one or more visual elements selected for display with items having said desired field entry;

storing an item in a data store as an explore, wherein said explorer houses a set of data defining said query and said explorer display schema;

receiving a user input indicating a user desire to view said explorer;

in response to said user input, accessing said explorer to enable querying of said data store to select one or more items including said desired field entry; and

utilizing said explorer to enable displaying of one or more of said selected items to the user according to said explorer display schema defined by said set of data.

a query for identifying items in the data store having said desired field entry; and querying said data store by utilizing said query to select one or more items including said desired field entry.

Straub teaches defining an explorer display schema that includes one or more visual elements selected for display with items having said desired field entry (See Column 13 Line 58 – Column 14, Line 61, “template can be associated with each of the folders or folder types”);

storing an item in a data store as an explorer, wherein said explorer houses a set of data defining said query and said explorer display schema (See Column 13 Line 58 – Column 14, Line 61, “template can be associated with each of the folders or folder types”);

receiving a user input indicating a user desire to view said explorer (See Column 13 Line 58 – Column 14, Line 61);



in response to said user input, accessing said explorer to enable querying of said data store to select one or more items including said desired field entry (See Column 13 Line 58 – Column 14, Line 61, “display representing folder’s contents”); and utilizing said explorer to enable displaying of one or more of said selected items to the user according to said explorer display schema defined by said set of data (See Column 13 Line 58 – Column 14, Line 61, “display representing folder’s contents”).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hahn with the teachings of Straub and include a method of changing a layout for a specific folder with the motivation to provide the user with a more appropriate view for each specific folder, instead of one view for all folders.

In regards to claim 12, Hahn teaches a method of claim 11, wherein defining said explorer display schema includes defining one or more decorative elements to be included in a display according to said explorer display schema (Figure 10, *the tab layout*).

In regards to claim 13, Hahn teaches a method of claim 11, wherein defining said explorer display schema includes defining one or more shell view schemas, wherein one of said shell view schemas is utilized to display a subset of said selected items (Figure 10, *the tab layout*).

In regards to claim 14, Hahn teaches a method of claim 11, wherein displaying one or more of said items includes utilizing a shell display schema associated with a shell browser to display one or more selected items (Figure 10, Element 1080).

In regards to claim 15, Hahn teaches a method of claim 11, wherein displaying one of the said selected items includes utilizing an item display schema associated with a shell browser to provide one or more display attributes included in the display of one or more selected items (Figure 10, *the tab layout*).

In regards to claim 16, Hahn teaches a method of claim 11, wherein displaying said selected items includes displaying verbs which are related to said selected items (Figure 7A, Element 780).

In regards to claim 17, Hahn teaches a method of claim 16, wherein said verbs are associated with applications capable of performing said verbs with respect to one or more of said set of selected items (Figure 7A, Element 780).

In regards to claim 18, Hahn teaches a method of claim 11, wherein displaying said selected items includes providing one or more data queries which are associated with said selected items (Figure 20B).

In regards to claim 19, Hahn teaches a method of claim 18, wherein said explorer is configured to display results of one or more of said data queries (Figure 20B).

Claims 20 and 21 are substantially similar to claim 1; therefore they are rejected under similar rationale.

In regards to claim 22, Hahn teaches an application of claim 21, wherein said explorer display schema includes one or more decorative elements to be included in a display according to said explorer display schema (Figure 10, *the tab layout*).

In regards to claim 23, Hahn teaches an application of claim 21, wherein said shell interaction module is configured to provide one or more shell view schemas,

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wherein one of said shell view schemas is utilized to display a subset of selected items (Figure 10, Element 1080).

In regards to claim 24, Hahn teaches an application of claim 21, wherein said shell interaction module is configured to utilize one or more shell display schemas associated with a shell browser to display one or more selected items (Figure 10).

In regards to claim 25, Hahn teaches an application of claim 21, wherein said shell interaction module is configured to utilize an item display schema associated with a shell browser to provide one or more display attributes included in the display of one or more selected items (Figure 10, *the tab layout*).

In regards to claim 26, Hahn teaches an application of claim 21, wherein said explorer display schema includes verbs which are related to said selected items (Figure 7A, Element 780).

In regards to claim 27, Hahn teaches an application of claim 26, wherein said verbs are associated with applications capable of performing said verbs with respect to one or more of said selected items (Figure 7A, Element 780).

In regards to claim 28, Hahn teaches an application of claim 21, wherein said explorer display schema includes one or more data queries which are associated with the selected items (Figure 20B).

Claim 29 is similar in scope to claim 11; therefore it is rejected under similar rationale.

In regards to claim 30, Hahn teaches a method of claim 29, wherein said explorer display schema includes one or more decorative elements, one or more verbs associated with said selected items and/or one or more data queries associated with said selected items (Figure 20B).

In regards to claim 31, Hahn teaches a method of claim 29, wherein interacting with said shell browser includes providing one or more shell view schemas, wherein one of said shell view schemas is utilized to display a subset of said selected items (Figure 10, Element 1080).

In regards to claim 32, Hahn teaches a method of claim 29, wherein interacting with said shell browser includes utilizing one or more shell display schemas associated with said shell browser to display one or more selected items (Figure 10).

In regards to claim 33, Hahn teaches a method of claim 29, wherein interacting with said shell browser includes utilizing an item display schema associated with said shell browser to provide one or more display attributes included in the display of one or more selected items (Figure 10, *the tab layout*).

Claim 34 is similar in scope to claim 11; therefore it is rejected under similar rationale.

In regards to claim 35, Hahn teaches method of claim 34, wherein said desired field entry is associated with an item property desired for each item displayed in said explorer (Figure 10).

In regards to claim 36, Hahn teaches a method of claim 34, wherein said explorer attributes include decorative elements, one or more verbs associated with said presented items, and/or one or more data queries associated with said presented items (Figure 20B).

In regards to claim 37, Hahn teaches a method of claim 34, wherein said explorer attributes include one or more shell view schemas, wherein one of said shell view schemas is utilized to display a subset of said presented items (Figure 10, Element 1080).

In regards to claim 38, Hahn teaches a method of claim 34, wherein said display schema includes one or more shell display schemas associated with a shell browser to display one or more presented items (Figure 10).

In regards to claim 39, Hahn teaches a method of claim 34, wherein said display schema includes utilizing an item display schema associated with a shell browser to provide one or more display attributes included in the display of one or more presented items (Figure 10, *the tab layout*).

Claim 40 is similar in scope to claim 11; therefore it is rejected under similar rationale.

In regards to claim 41, Hahn teaches a method of claim 40, wherein said explorer attributes include decorative elements, one or more verbs associated with said presented items, and/or one or more data queries associated with said presented items (Figure 20B).

In regards to claim 42, Hahn teaches a method of claim 40, wherein said explorer attributes include one or more shell view schemas, wherein one of said shell view schemas is utilized to display a subset of said presented items (Figure 10, Element 1080).

In regards to claim 43, Hahn teaches a method of claim 40, wherein interacting with said shell browser includes utilizing a shell display schema provided by said shell browser to display one or more presented item to the user (Figure 10, Elements 1110, and 1080).

In regards to claim 44, Hahn teaches a method of claim 40, wherein interacting with said shell browser includes utilizing one or more display attributes from an item display schema provided by said shell browser to display one or more presented item to the user (Figure 10, *the tab layout*).

### ***Response to Arguments***

Applicant's arguments filed 9/23/2008 have been fully considered but they are not persuasive.

In regards to the Applicant's argument that Straub "is devoid of any discussion of "data" defining a "query" that identifies the characteristics of those items to be displayed within a themed-view," the Examiner respectfully disagrees. Since Straub can have different themes for different folders, Straub does teach data/query that identifies the

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characteristics of those items (folder contents) to be displayed within a themed-view.

The Examiner recommends that the Applicant clarify the claim language to clearly explain how the query is being used and how is it generated. In other words, is this query based on user input, or is this computer generated query. If the Applicant desires, he should schedule an interview to discuss this case with the Examiner in order to help expedite the prosecution process.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/  
Examiner, Art Unit 2174